

## UNITED STATES DISTRICT COURT

for the  
District of South DakotaIn the Matter of the Search of  
(Briefly describe the property to be searched  
or identify the person by name and address)Case No. 5:19-mj-56

Persons or bodies of Carl Shockey and J.S.B. to consist of Buccal Swabs

## SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the \_\_\_\_\_ District of \_\_\_\_\_ South Dakota  
(identify the person or describe the property to be searched and give its location):

Persons or bodies of Carl Shockey and J.S.B. to consist of Buccal Swabs

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property described above, and that such search will reveal (identify the person or describe the property to be seized):

Evidence of the crimes of Discharge of a Firearm During the Commission of a Crime of Violence, in violation of 18 U.S.C. § 924(c)(1)(A)(iii), Robbery, in violation of 18 U.S.C. §§ 2111 and 1153, and Burglary, in violation of 18 U.S.C. §§ 2111 and 1153 and SDCL § 22-32-1(1)&amp;(2), as outline in the affidavit in support of the search warrant, which is incorporated herein by this reference.

I find that the affidavit, or any recorded testimony, establishes probable cause to search and seize the person or property.

**YOU ARE COMMANDED** to execute this warrant on or before June 12, 2019 (not to exceed 14 days)  
☒ in the daytime 6:00 a.m. to 10:00 p.m. ☐ at any time in the day or night because good cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to Daneta Wollmann  
(United States Magistrate Judge)☐ Pursuant to 18 U.S.C. § 3103a(b), I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized (check the appropriate box)☐ for \_\_\_\_\_ days (not to exceed 30) ☐ until, the facts justifying, the later specific date of \_\_\_\_\_

Date and time issued:

5-29-19 4:15pm

Judge's signature

City and state:

Rapid City, SDDaneta Wollmann, U.S. Magistrate Judge

Printed name and title

cc: AUSA &  
Agent  
CL

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**Return**

Case No.:

5:19-mj-56

Date and time warrant executed:

Copy of warrant and inventory left with:

Inventory made in the presence of :

Inventory of the property taken and name of any person(s) seized:

**Certification**

I declare under penalty of perjury that this inventory is correct and was returned along with the original warrant to the designated judge.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Executing officer's signature*\_\_\_\_\_  
*Printed name and title*

## UNITED STATES DISTRICT COURT

for the  
District of South Dakota

In the Matter of the Search of  
(Briefly describe the property to be searched  
or identify the person by name and address)

Persons or bodies of Carl Shockey and J.S.B. to  
consist of Buccal Swabs

Case No. 5:19-mj-56

## APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

Persons or bodies of Carl Shockey and J.S.B. to consist of Buccal Swabs

located in the \_\_\_\_\_ District of \_\_\_\_\_ South Dakota \_\_\_\_\_, there is now concealed (identify the person or describe the property to be seized):

Persons or bodies of Carl Shockey and J.S.B. to consist of Buccal Swabs

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;  
☒ contraband, fruits of crime, or other items illegally possessed;  
☒ property designed for use, intended for use, or used in committing a crime;  
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	Offense Description
18 U.S.C. §§ 2111, 924(c) (1)(A)(iii), 1153, and SDCL 22-32-1(1)&(2)	Discharge of a Firearm During the Commission of a Crime of Violence, Robbery, and Burglary

The application is based on these facts:

- ☒ Continued on the attached sheet.  
☐ Delayed notice of \_\_\_\_\_ days (give exact ending date if more than 30 days: \_\_\_\_\_) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Applicant's signature

BIA SA Ted Thayer

Printed name and title

Sworn to before me and signed in my presence.

Date: 5-29-19

Judge's signature

City and state: Rapid City, SD

Daneta Wollmann, U.S. Magistrate Judge

Printed name and title



UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
WESTERN DIVISION

IN THE MATTER OF THE SEARCH OF:  
Persons or bodies of Carl Shockey and  
J.S.B. to consist of Buccal Swabs

Case No. 5:19-mj-56

**REDACTED**  
**AFFIDAVIT IN SUPPORT OF**  
**AN APPLICATION FOR A SEARCH WARRANT**

State of South Dakota     )  
  ) ss  
County of Pennington     )

I, Ted Thayer, Special Agent of the Bureau of Indian Affairs Office of Justice Services being duly sworn, states as follows:

**INTRODUCTION AND AGENT BACKGROUND**

1. I am a Special Agent ("SA") with the Bureau of Indian Affairs ("BIA"), and as such I am a Federal Law Enforcement Officer within the meaning of Federal Rule of Criminal Procedure 41(a)(2)(C), that is, a government agent engaged in enforcing criminal laws.

2. Your affiant has over 21 years of law enforcement experience. Your affiant has been an SA with the BIA since August 1998. Your affiant has been assigned as a SA with the BIA Pine Ridge Agency since 2015. Since that time your affiant has been assigned investigative responsibilities regarding a multitude of Federal criminal violations occurring on the Pine Ridge Reservation, Indian country.

3. The information set forth below is based upon my knowledge of an investigation conducted by the BIA and the Oglala Sioux Tribe Department of Public Safety law enforcement. I have not included each and every fact obtained pursuant to

this investigation, but have set forth those facts that I believe are essential to establish the necessary probable cause for the issuance of the search warrant.

4. Your affiant makes this affidavit in support of an application for a search warrant for buccal swabs belonging to Carl Shockey, an adult offender, and J.S.B., a juvenile offender.

5. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from law enforcement and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

#### **PROBABLE CAUSE**

6. On the morning of April 23, 2019, the Oglala Sioux Tribe Department of Public Safety Dispatch (OSTDPS) received a call of a robbery with a firearm at a residence, [REDACTED] in Pine Ridge, South Dakota. Pine Ridge is within the exterior boundaries of the Pine Ridge Reservation.

7. Your affiant learned that the homeowner and reporting party, Joann Grass, advised OSTDPS that two males entered her residence with a gun and demanded the residents to "empty their pockets." The men were described as wearing blue bandanas over their faces and one of the males had a ski mask covering the lower portion of his face.

8. Your affiant learned that the gun was described as a pistol grip shotgun with a wood stock.

9. Another occupant inside the residence, S.R.S.C., a juvenile victim, advised law enforcement that after demanding the money, one of the men fired a round into the ceiling and that the men left in a blue Dodge pickup.

10. Your affiant also learned that OSTDPS Officer Clayton Ten Fingers stopped a blue Dodge pickup in Oglala, SD. The occupants of the vehicle were identified as juvenile, J.S.B., and adult, Carl Shockey. Your affiant learned that near the vehicle, Officer Ten Fingers recovered a blue bandana. Shockey and J.S.B. were taken into tribal custody.

11. Your affiant and Special Agent David Lawrence with the Bureau of Indian Affairs interviewed juvenile J.S.B. J.S.B. confessed to being at the residence at the time the firearm was discharged. J.S.B. advised that Shockey was the other male present with him. J.S.B. stated that Shockey was the individual who discharged the firearm. J.S.B. also advised the agents that after the shooting, he and Shockey traveled to Mo (June Bug) Morgan's residence, [REDACTED], and that the firearm was placed under a couch cushion in the basement.

12. Based on the information provided in J.S.B.'s confession, SA David Lawrence applied for a Search Warrant for [REDACTED]. Magistrate Judge Daneta Wollmann issued the search warrant on April 23, 2019. (19-mj-00043).

13. On April 23, 2019, your affiant executed the Search Warrant for [REDACTED]

[REDACTED]. Therein, your affiant recovered the firearm.

14. Carl Shockey is an enrolled member of the Oglala Sioux Tribe.

15. J.S.B. is an enrolled member of the Oglala Sioux Tribe.

16. Your affiant is aware that DNA evidence could be obtained by an analysis of the items seized including the firearm, the bandana, and the latex gloves. Further, based upon your affiant's training and experience, your affiant is aware that evidence in the form of deoxyribonucleic acid (DNA) is contained in the head hair, skin, semen, blood, and saliva in human bodies. Saliva and other substances can be used to determine the identity of DNA found on items of evidentiary value, such as the firearm recovered, latex gloves and blue bandana.

17. Based on your affiant's training and experience, your affiant is aware that at least two buccal swabs for saliva, from inside the cheek, are needed in order for a laboratory to perform DNA testing.

18. Your affiant is requesting a search warrant authorizing the seizure of buccal swabs from Carl Shockey and J.S.B.

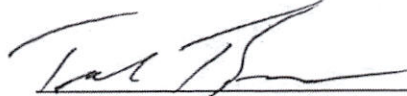
#### **CONCLUSION**

19. Based on the forgoing, I request that the Court issue the proposed search warrant.


20. Based on the foregoing, I submit there is probable cause to believe that evidence recovered from the vehicle and residence, a blue bandana and latex gloves, and the firearm may contain DNA evidence that could be used to determine who was wearing the blue bandana, the gloves, and who handled the firearm during the robbery, burglary, and discharge of a firearm during the commission of a crime of violence at [REDACTED]. I submit there is probable cause to believe that evidence of a violation of 18 U.S.C. §§ 2111, 924(c)(1)(A)(iii), 1153, and SDCL 22-32-1(1)&(2) has

occurred, and I request a search warrant be issued authorizing the search and seizure of two buccal swabs from Carl Shockey and J.S.B.

Dated: 5/29/19

  
Ted Thayer, Special Agent  
Bureau of Indian Affairs  
Office of Justice Services

SUBSCRIBED and SWORN to <sup>by reliable electronic means</sup> ~~in my presence~~  
this 29<sup>th</sup> day of May, 2018.

  
DANETA WOLLMANN  
United States Magistrate Judge